

**Senate File 2326 - Reprinted**

SENATE FILE 2326

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 3192)

(As Amended and Passed by the Senate March 12, 2018)

**A BILL FOR**

1 An Act relating to the coordination of enforcement activities  
2 between the department of transportation and the department  
3 of public safety, including provisions relating to  
4 department of transportation employees designated as peace  
5 officers, and including effective date provisions.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.477, Code 2018, is amended to read  
2 as follows:

3 **321.477 Employees as peace officers — maximum age.**

4 1. The department may designate by resolution certain of its  
5 employees upon each of whom there is conferred the authority of  
6 a peace officer to enforce all laws of ~~the~~ this state including  
7 but not limited to the rules and regulations of the department.  
8 Employees designated as peace officers pursuant to this section  
9 shall have the same powers, duties, privileges, and immunities  
10 conferred by law on peace officers ~~for~~ relating to the  
11 enforcement of all laws of this state and the apprehension of  
12 violators. The department and the department of public safety  
13 shall coordinate to provide effective and efficient enforcement  
14 of all laws of this state, including any related regulatory  
15 actions.

16 ~~2. Employees designated as peace officers pursuant to this~~  
17 ~~section who are assigned to the supervision of the highways~~  
18 ~~of this state shall spend the preponderance of their time~~  
19 ~~conducting enforcement activities that assure the safe and~~  
20 ~~lawful movement and operation of commercial motor vehicles and~~  
21 ~~vehicles transporting loads, including but not limited to the~~  
22 ~~enforcement of motor vehicle laws relating to the operating~~  
23 ~~authority, registration, size, weight, and load of motor~~  
24 ~~vehicles and trailers, and registration of a motor carrier's~~  
25 ~~interstate transportation service with the department.~~

26 ~~3.~~ 2. Employees designated as peace officers pursuant to  
27 this section shall not exercise the general powers of a peace  
28 officer within the limits of any city, except as follows:

29 a. When so ordered by the direction of the governor.

30 b. When request is made by the mayor of any city, with the  
31 approval of the director.

32 c. When request is made by the sheriff or county attorney of  
33 any county, with the approval of the director.

34 d. While in the pursuit of law violators or in investigating  
35 law violations.

1 e. While making any inspection provided by [this chapter](#), or  
2 any additional inspection ordered by the director.

3 f. When engaged in the investigation and enforcement of laws  
4 relating to narcotic, counterfeit, stimulant, and depressant  
5 drugs.

6 ~~4.~~ 3. The limitations specified in [subsection 3 2](#) shall in  
7 no way be construed as a limitation on the power of employees  
8 designated as peace officers pursuant to [this section](#) when a  
9 public offense is being committed in their presence.

10 ~~5.~~ 4. a. The department shall establish operational  
11 requirements to assure that at least ninety percent of all  
12 collective enforcement activities performed by employees  
13 designated as peace officers pursuant to this section who  
14 are assigned to the supervision of the highways of this  
15 state shall be devoted to the protection of highway assets  
16 and to activities that assure the safe and lawful movement  
17 and operation of commercial motor vehicles and vehicles  
18 transporting loads, including but not limited to all of the  
19 following:

20 (1) The enforcement of motor vehicle laws relating to  
21 the operating authority, registration, size, weight, and  
22 load of motor vehicles and trailers, and registration of a  
23 motor carrier's interstate transportation service with the  
24 department.

25 (2) The enforcement of federal motor carrier safety  
26 regulations and federal motor carrier hazardous materials  
27 regulations as adopted in this chapter and in rules adopted by  
28 the department under this chapter.

29 (3) The performance of activities required for  
30 participation in the motor carrier safety assistance program  
31 and the high priority program administered under 49 C.F.R. pt.  
32 350.

33 (4) The control and direction of traffic.

34 (5) The enforcement of motor vehicle laws in road work  
35 zones.

1     b. The department shall submit a report to the general  
2 assembly on or before December 1 of each year that details the  
3 nature and scope of enforcement activities conducted in the  
4 previous fiscal year by employees designated as peace officers  
5 pursuant to [this section](#) who are assigned to the supervision  
6 of the highways of this state. The report shall include a  
7 comparison of commercial and noncommercial motor vehicle  
8 enforcement activities conducted by such employees and any  
9 other information necessary to demonstrate the department's  
10 compliance with the operational requirements established  
11 pursuant to this section.

12     c. The operational requirements established pursuant to  
13 this section are intended to assure the effective use of the  
14 department's resources. The failure of the department or  
15 employees designated as peace officers pursuant to this section  
16 to meet the operational requirements shall not be a defense to  
17 any charge in the prosecution of a person arrested or issued  
18 a citation in lieu of arrest by an employee designated as a  
19 peace officer pursuant to this section, and shall not create a  
20 private cause of action.

21     ~~6.~~ 5. The maximum age for a person employed as a peace  
22 officer pursuant to [this section](#) is sixty-five years of age.

23     Sec. 2. REPEAL. 2017 Iowa Acts, chapter 149, section 4, is  
24 repealed.

25     Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate  
26 importance, takes effect upon enactment.